

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION**

UNITED STATES OF AMERICA	)	Criminal Case No. 3:05cr00017-1
	)	
v.	)	<b><u>2255 FINAL ORDER</u></b>
	)	
DEREK F. GAVEGNANO	)	By: Norman K. Moon
	)	United States District Judge

In accordance with the Memorandum Opinion entered this day, it is hereby **ORDERED** and **ADJUDGED** that the United States' motion for summary judgment (Docket No. 134) is **GRANTED**; Gavegnano's motion to vacate, set aside, or correct sentence (Docket No. 129) is **DISMISSED**; and this matter is **STRICKEN** from the active docket of the court.

Further, the court finds that Gavegnano has not made the requisite showing of the substantial denial of a constitutional right as required by 28 U.S.C. § 2253(c) and, therefore, a certificate of appealability is **DENIED**.

**ENTER:** This 21st day of May, 2012.

  
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NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE